

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)
)
Amendment of Section 1.80(b) of the)
Commission's Rules)
)
Adjustment of Civil Monetary Penalties to Reflect)
Inflation)

ERRATUM

Released: February 3, 2021

By the Deputy Chief, Enforcement Bureau:

On December 29, 2020, the Enforcement Bureau released an *Order*, DA 20-1540, in the above captioned proceeding. This Erratum replaces the **Appendix** to the *Order* to conform to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register. See new Appendix attached.

FEDERAL COMMUNICATIONS COMMISSION

Lisa S. Gelb
Deputy Chief
Enforcement Bureau

APPENDIX

Part 1 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 1---PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461, unless otherwise noted.

2. Amend § 1.80 by revising paragraphs (b)(1) through (8), the table in section III of the note to paragraph (b)(8), and paragraph (b)(10)(ii) to read as follows:

§1.80 Forfeiture proceedings.

* * * * *

(b) * * *

(1) *Forfeiture penalty for a broadcast station licensee, permittee, cable television operator, or applicant.* If the violator is a broadcast station licensee or permittee, a cable television operator, or an applicant for any broadcast or cable television operator license, permit, certificate, or other instrument of authorization issued by the Commission, except as otherwise noted in this paragraph (b)(1), the forfeiture penalty under this section shall not exceed \$51,827 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$518,283 for any single act or failure to act described in paragraph (a) of this section. There is no limit on forfeiture assessments for EEO violations by cable operators that occur after notification by the Commission of a potential violation. See section 634(f)(2) of the Communications Act. Notwithstanding the foregoing in this section, if the violator is a broadcast station licensee or permittee or an applicant for any broadcast license, permit, certificate, or other instrument of authorization issued by the Commission, and if the violator is determined by the Commission to have broadcast obscene, indecent, or profane material, the forfeiture penalty under this section shall not exceed \$419,353 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$3,870,946 for any single act or failure to act described in paragraph (a) of this section.

(2) *Forfeiture penalty for a common carrier or applicant.* If the violator is a common carrier subject to the provisions of the Communications Act or an applicant for any common carrier license, permit, certificate, or other instrument of authorization issued by the Commission, the amount of any forfeiture penalty determined under this section shall not exceed \$207,314 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$2,073,133 for any single act or failure to act described in paragraph (a) of this section.

(3) *Forfeiture penalty for a manufacturer or service provider.* If the violator is a manufacturer or service provider subject to the requirements of section 255, 716, or 718 of the Communications Act, and is determined by the Commission to have violated any such requirement, the manufacturer or service provider shall be liable to the United States for a forfeiture penalty of not more than \$119,055 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$1,190,546 for any single act or failure to act.

(4) *Forfeiture penalty for a 227(e) violation.* Any person determined to have violated section 227(e) of the Communications Act or the rules issued by the Commission under section 227(e) of the Communications Act shall be liable to the United States for a forfeiture penalty of not more than \$11,905 for each violation or three times that amount for each day of a continuing violation, except that the

amount assessed for any continuing violation shall not exceed a total of \$1,190,546 for any single act or failure to act. Such penalty shall be in addition to any other forfeiture penalty provided for by the Communications Act.

(5) *Forfeiture penalty for a 227(b)(4)(B) violation.* Any person determined to have violated section 227(b)(4)(B) of the Communications Act or the rules in 47 CFR part 64 issued by the Commission under section 227(b)(4)(B) of the Communications Act shall be liable to the United States for a forfeiture penalty determined in accordance with paragraphs(A)-(F) of section 503(b)(2) plus an additional penalty not to exceed \$10,118.

(6) *Forfeiture penalty for a section 6507(b)(4) Tax Relief Act violation.* If a violator who is granted access to the Do-Not-Call registry of public safety answering points discloses or disseminates any registered telephone number without authorization, in violation of section 6507(b)(4) of the Middle Class Tax Relief and Job Creation Act of 2012 or the Commission's implementing rules in 47 CFR part 64, the monetary penalty for such unauthorized disclosure or dissemination of a telephone number from the registry shall be not less than \$111,493 per incident nor more than \$1,114,929 per incident depending upon whether the conduct leading to the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offense.

(7) *Forfeiture penalty for a section 6507(b)(5) Tax Relief Act violation.* If a violator uses automatic dialing equipment to contact a telephone number on the Do-Not-Call registry of public safety answering points, in violation of section 6507(b)(5) of the Middle Class Tax Relief and Job Creation Act of 2012 or the Commission's implementing rules in 47 CFR part 64, the monetary penalty for contacting such a telephone number shall be not less than \$11,149 per call nor more than \$111,493 per call depending on whether the violation was negligent, grossly negligent, reckless, or willful, and depending on whether the violation was a first or subsequent offense.

(8) *Maximum forfeiture penalty for any case not previously covered.* In any case not covered in paragraphs (b)(1) through (7) of this section, the amount of any forfeiture penalty determined under this section shall not exceed \$20,731 for each violation or each day of a continuing violation, except that the amount assessed for any continuing violation shall not exceed a total of \$155,485 for any single act or failure to act described in paragraph (a) of this section.

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Note to paragraph (b)(8): * * *

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Section III. Non-Section 503 Forfeitures That Are Affected by the Downward Adjustment Factors

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Violation	Statutory Amount After 2021 Annual Inflation Adjustment
Sec. 202(c) Common Carrier Discrimination	\$12,439, \$622/day
Sec. 203(e) Common Carrier Tariffs	\$12,439, \$622/day
Sec. 205(b) Common Carrier Prescriptions	\$24,877

Sec. 214(d) Common Carrier Line Extensions	\$2,487/day
Sec. 219(b) Common Carrier Reports	\$2,487/day
Sec. 220(d) Common Carrier Records & Accounts	\$12,439/day
Sec. 223(b) Dial-a-Porn	\$128,904/day
Sec. 227(e) Caller Identification	\$11,905/violation
	\$35,715/day for each day of continuing violation, up to \$1,190,546 for any single act or failure to act
Sec. 364(a) Forfeitures (Ships)	\$10,366/day (owner)
Sec. 364(b) Forfeitures (Ships)	\$2,074 (vessel master)
Sec. 386(a) Forfeitures (Ships)	\$10,366/day (owner)
Sec. 386(b) Forfeitures (Ships)	\$2,074 (vessel master)
Sec. 511 Pirate Radio Broadcasting	\$2,023,640, \$101,182/day
Sec. 634 Cable EEO	\$919/day

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(10) * * *

(ii) The application of the annual inflation adjustment required by the foregoing Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 results in the following adjusted statutory maximum forfeitures authorized by the Communications Act:

Table 4 to Paragraph (b)(10)(ii)

U.S. Code citation	Maximum Penalty after 2021 Annual Inflation Adjustment
47 U.S.C. 202(c)	\$12,439
	\$622
47 U.S.C. 203(e)	\$12,439
	\$622
47 U.S.C. 205(b)	\$24,877
47 U.S.C. 214(d)	\$2,487
47 U.S.C. 219(b)	\$2,487
47 U.S.C. 220(d)	\$12,439
47 U.S.C. 223(b)	\$128,904
47 U.S.C. 227(e)	\$11,905
	\$35,715
	\$1,190,546
47 U.S.C. 362(a)	\$10,366
47 U.S.C. 362(b)	\$2,074
47 U.S.C. 386(a)	\$10,366

47 U.S.C. 386(b)	\$2,074
47 U.S.C. 503(b)(2)(A)	\$51,827
	\$518,283
47 U.S.C. 503(b)(2)(B)	\$207,314
	\$2,073,133
47 U.S.C. 503(b)(2)(C)	\$419,353
	\$3,870,946
47 U.S.C. 503(b)(2)(D)	\$20,731
	\$155,485
47 U.S.C. 503(b)(2)(F)	\$119,055
	\$1,190,546
47 U.S.C. 507(a)	\$2,053
47 U.S.C. 507(b)	\$301
47 U.S.C. 511	\$2,023,640
	\$101,182
47 U.S.C. 554	\$919

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